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[redacted] Civil Courts

II/44

Legal Department

B BRANCH

Subject:— Rules and Notifications under the Bombay Civil Courts Act 1869

E
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File No. Civil Courts II/44

Gen. 194 e.

289-E

Office of the R.L.A.

A revised draft notification is sent herewith.

Id /-
dt/-

Remembrancer of Legal Affairs.

U.R. to H.D. No. 2488 , dated the 18th April 1944.

VVK 13/7/56/
SC.

14/8

II

Mr. D.G. Kamerkar, LL.B. District and Sessions Judge, Satara, is under section 12A of the Bombay Civil Courts Act 1869 (XIV of 1869) appointed, in addition to his own duties as Joint Judge, Ratnagiri to exercise jurisdiction during the ensuing summer vacation of the District Court of Ratnagiri from he 10th April 1944 to 21st May 1944 both days inclusive.

By order of the Governor of Bombay,

Secretary to Government of Bombay,
Home Department.

VVK. 13/7/56/
5C.

Office of the R.L.A.

The draft notification proposed by H.D. at page 7 ante is declaratory of the District Judge's powers under section 23 of the Bombay Civil Courts Act, 1869 and hence unnecessary. The Registrar High Court's letter at p. 1 asks for 1½ judges for Umreth and ½ judge for Kaira-The case is therefore an exact parallel of Patan-Karad courts as at present constituted. Government Notification in the Home Department No . 7100/3 dated 16th January 1936 was issued in accordance with the draft accompanying R.L.A.'s No. 7333, dated 19th December 1935 in relation to the Patan.-Karad courts for the main reason that till the issue of that notifiaation. those courts were linked courts under one subordinate judge, and had first to be converted into separate courts. Such is not the case now with the Umreth and Kaira courts which already possess a separate subordinate judge each- Consequently the only action that needs to be taken is for the District Judge to proceed under the penultimate paragraph of section 23 and depute to the Umreth Court the judge of the Kaira Subordinate Court, and this the District Judge must do "with the previous sanction of the High Court " as provided in the section. There is no need for Government to issued any notification for the purpose. (Please see para. 2 of R.L.A.' s opinion No. 8838) dated 10-12-1931. It may aslo be pointed out that the first part of the penultimate paragraph of section 23 as adapted by the Adaptation Order refers to the High Court as the appointing authority in liew of Government. It seems needless to go into this question).

Id/- P.N.M.
dt/- 24-8-44.

Remembrancer of Legal AFfairs.

U.R. to H.D. No. 5940 , dated the 25th August 1944.

VK. 13/7/56/ 5C.